

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

MFA.No. 1190 of 2000()

OPMV.3913/1993 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI

APPELLANT/PETITIONER:

**T.M.ABDULKAREEM, S/O.LATE MOHAMMED,
AGED 25 YEARS, II MILE, DOOR NO.12/1068,
DEVARSHOLA ROAD, GUDALLUR BAZAR POST,
NILGIRIS.**

BY ADV. SRI.PROMY KAPRAKKATT

RESPONDENTS/RESPONDENTS:

**1.A.ABDULLA,S/O.MOHAMMED, ATHIMANNIL HOUSE,
KARIKKAD, KARUVAMBRAM, MANJERI.**

2.P.SAHADEVAN,S/O.CHOYI, MELUR, AUILANDI.

3.THE UNITED INDIA INSURANCE CO. LTD.,MANJERI.

**4.A.MOHAMMEDALI,S/O.ALIKKAL KAMMAD,
DEVARSHOLA ROAD, GUDALLUR BAZAR POST.**

**5.A.MOIDEENKUTTY,S/O.MARAKKARKUTTY,
DEVARSHOLA ROAD, GUDALLUR BAZAR POST.**

**6.NEW INDIA ASSURANCE CO. LTD.,
UDAGAMANDAL, OOTTY.**

**A.MOBY ADV. SRI.KKM.SHERIF FOR R6
SMT.K.A.ANGEL TREENA FOR R6**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1190 OF 2000 (D)

Dated this the 24th day of May, 2007

J U D G M E N T

KOSHY,J.

The appellant filed claim petition before the Motor Accident Claims Tribunal, Manjeri, claiming a compensation of Rs.2,20,200/-. According to him he was travelling in a jeep bearing Reg.No.TTM 43/1735 from Gudallur to Manjeri and from there to Alanalloor on 11.5.1993. At about 4.30 when the above said jeep reached Payyanad a lorry bearing No.KLL 1981 driven by the first respondent in a rash and negligent manner came from the opposite side and hit the jeep causing injuries to the appellant. The accident occurred solely due to the rash and negligent driving of the lorry by the first respondent. After the accident the appellant was taken to the Medical College Hospital, Calicut, where he was treated as inpatient till 17.5.1993. The second respondent is the owner of the vehicle and 3rd respondent is the insurer of the lorry involved in the

accident. The 4th respondent is the driver of the jeep, 5th respondent is the owner and 6th respondent is the insurer of the jeep involved in the accident and they were the supplemental respondents 4 to 6. Tribunal found that accident occurred due to rash and negligent driving of jeep by the 4th respondent and the offending vehicle was insured by the 6th respondent and 6th respondent by award dated 15th March 2000, was directed to deposit Rs.60,000/- with 12% interest from the date of application (25.11.1993) till deposit. Only quantum of compensation is disputed in the appeal.

2. Tribunal has taken higher multiplier of 18 for calculating compensation as appellant is aged 25 at the time of the accident. We see no ground to change the multiplier at the instance of the claimant. Major ground argued by the appellant was that tribunal has taken only Rs.2,000/- as monthly income. According to the appellant he was working in Soudi Arabia as a tailor and he was earning 2000 Soudi Riyals equivalent to Rs.16,700/-. Tribunal correctly held that there was no evidence to show that he was employed as a tailor in Soudi Arabia. It is true that copy of the passport was shown to the tribunal which endorsed that he went to Soudi Arabia on August 1995 and

returned in September 1995. Merely because he went to Soudi Arabia on a visiting visa, it cannot be stated that he was employed in Soudi Arabia as a tailor. No employment visa or work period card or any documentary evidence was produced to show that he was working as a tailor in Soudi Arabia. Accident occurred in 1993. Hence tribunal in the absence of any document and considering the average earning of a tailor in the locality fixed Rs.2,000/- as monthly income and no interference is required in the fixation of monthly income. Medical Board certified 4% permanent disability was assessed by Ext.XI certificate and tribunal thus calculated compensation for 4% disability. Rs.12,000/- was also granted for pain and sufferings. All medical bills were reimbursed. Under all heads claimed, just and reasonable compensation was awarded. We see no reason to interfere in the award and hence this appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1190 OF 2000 (D)

J U D G M E N T

24th May, 2007